

Message Text

LIMITED OFFICIAL USE

PAGE 01 STUTTG 00651 180838Z

ACTION EUR-12

INFO OCT-01 ISO-00 DHA-02 MCT-01 PM-04 NSC-05 SP-02

SS-15 CIAE-00 DODE-00 INR-07 NSAE-00 PA-01

USIA-06 PRS-01 /057 W

-----180851Z 119476 /14

R 151455Z APR 77

FM AMCONSUL STUTTGART

TO SECSTATE WASHDC 3514

INFO AMEMBASSY BONN

AMCONSUL BREMEN

AMCONSUL DUSSELDORF

AMCONSUL HAMBURG

AMCONSUL FRANKFURT

AXCONSUL MUNICH 790

USMISSION USBERLIN

CINCUSAREUR HEIDELBERG

USCINCEUR VAIHINGEN

LIMITED OFFICIAL USE STUTTGART 651

FOR POLADS

E. O. 11652: N/A

TAGS: PINS GW

SUBJ:

REF: STUTTGART 118, STUTTGART 626

1. SUMMARY: PROSECUTION IN BAADER-MEINHOF TRIAL ENDED QUESTIONING OF WITNESSES ON APRIL 14 AND REQUESTED LIFE SENTENCES FOR DEFENDANTS BAADER, ENSSLIN, AND RASPE ON CHARGES OF MURDER AND ATTEMPTED MURDER. CHOSEN DEFENSE LAWYERS AND DEFENDANTS NOT PRESENT AND HAVE NOT BEEN IN COURT SINCE REVELATION OF "BUGGING" OF STAMMHIEM PRISONERS. DEFENSE PLEAS SCHEDULED FOR APRIL 21. DEFENDANTS APPARENTLY STILL ON HUNGER

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STUTTG 00651 180838Z

STRIKE. GUDRUN ENSSLIN'S COURT-APPOINTED DEFENSE LAWYER KUENZEL ASKING TO BE EXCUSED FROM FURTHER PARTICIPATION BECAUSE HE CONSIDERS BUGGING INCIDENT IN STAMMHEIM INADEQUATELY INVESTIGATED. END SUMMARY.

1. ON 190TH SESSION (APRIL 14), ALMOST TWO YEARS AFTER BEGINNING OF BAADER-MEINHOF TRIAL, FEDERAL PROSECUTION REAF-

FIRMED ITS DEMAND FOR LIFE SENTENCES FOR DEFENDANTS ANDREAS BAADER (33), GUDRUN ENSSLIN (36) AND JAN-CARL RASPE (32). IN HIS "ADDITIONAL" SUMMATION (ZUSATZPLAEDOYER) FEDERAL PROSECUTOR WUNDER DECLARED DEFENDANTS HAD BEEN CONVICTED OF THEIR DEEDS. PROSECUTION'S SURPRISING ADDITIONAL SUMMATION MADE POSSIBLE BY COURT DECLARATION THAT HEARING OF WITNESSES CLOSED. IN OCTOBER, 1976, FEDERAL PROSECUTOR'S OFFICE, IN ITS ORIGINAL SUMMATION HAD ALREADY REQUESTED LIFE SENTENCE FOR MURDER AND ATTEMPTED MURDER. TRIAL CONTINUED, HOWEVER, AS DEFENSE CHALLENGED CREDIBILITY OF PROSECUTION WITNESSES.

3. PROSECUTION BASED ITS SENTENCE DEMANDS ON CHARGE THAT HARD CORE BAADER-MEINHOF ANARCHISTS HAD KILLED FOUR PERSONS IN FRANKFURT AND HEIDELBERG AND HAD ATTEMPTED TO KILL AN ADDITIONAL 45 PEOPLE WITH FURTHER BOMB ATTACKS IN MUNICH, AUGSBURG, HAMBURG, AND KARLSRUHE.

4. PROSECUTOR WUNDER ALSO REFERRED TO MURDER OF FEDERAL ATTORNEY GENERAL BUBACK AND TWO OTHERS SAYING STUTTGART TRIAL SHOULD NOT BE AFFECTED BY ANGER STEMMING FROM MURDER. HOWEVER, WUNDER INDIRECTLY SUGGESTED IMPRISONED ANARCHISTS MAY BE RESPONSIBLE FOR THE KARLSRUHE MURDERS SINCE IT NOT YET KNOWN WHETHER THE KARLSRUHE MURDERS HAD ACTED "FAITHFUL TO THE OLD ORDERS".

5. WUNDER STRESSED THAT CREDIBILITY OF PROSECUTION WITNESSES GERHARD MUELLER AND DIERK HOFF HAD NOT BEEN SHAKEN IN ANY IMPORTANT POINT AND THAT OTHER EVIDENCE ALSO PROVED GUILT OF LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STUTTG 00651 180838Z

DEFENDANTS. HE ALSO MENTIONED THAT THE BUGGING AFFAIR HAD NOT BEEN KNOWN TO COURT OR PROSECUTION IN THE TRIAL.

6. WUNDER ASKED FOR CLEARLY DEFINED NEW LAWS THAT COULD BE USED BY PRISON JUDGES, I.E., IN THE CASE OF HUNGER STRIKE SITUATIONS.

7. THE DEFENDANTS AND THEIR CHOSEN LAWYERS DID NOT TAKE PART IN THIS SESSION AND HAVE NOT PARTICIPATED SINCE REVELATION OF THE STAMMHEIM BUGGING (STUTTGART 118 OF MARCH 18, 1977). CHOSEN DEFENSE LAWYERS ALSO REFUSE TO DELIVER DEFENSE SUMMATION IN STAMMHEIM COURT FACILITY AND WANT TO READ SUMMATIONS AT PRESS CONFERENCE. DEFENSE SUMMATIONS HAVE BEEN SET FOR APRIL 21, AT WHICH TIME COURT-APPOINTED DEFENSE LAWYERS WILL SPEAK AT COURT, AFTER WHICH DEFENDANTS THEMSELVES WILL HAVE OPPORTUNITY TO SPEAK. AT PRESENT, THEY STILL SEEM TO BE ON HUNGER STRIKE.

8. GUDRUN ENSSLIN'S COURT-APPOINTED DEFENSE LAWYER MANFRED

KUENZEL HAS DECLARED HE WILL APPLY TO COURT TO WITHDRAW HIS ASSIGNMENT. IN TALK WITH REUTER NEWS AGENCY, KUENZEL DECLARED COURT HAD NOT ADEQUATELY INVESTIGATED AND EXPLAINED THE STAMMHEIM BUGGING INCIDENT. THEREFORE, DEFENSE HAD BEEN "DESTROYED", AND HE COULD NOT JUSTIFY HIS REMAINING IN TRIAL. IF COURT DOES NOT GRANT HIS REQUEST, HE MAY APPEAL TO FEDERAL CONSTITUTIONAL COURT IN KARLSRUHE.

9. COMMENT: SINCE PROSECUTION CASE NOW INCLUDES DIRECT EVIDENCE OF TWO WITNESSES WHOSE CREDIBILITY ALLEGEDLY HAS BEEN CONFIRMED, PROSECUTION IS IN BETTER SITUATION TODAY THAN AT BEGINNING OF TRIAL TWO YEARS AGO WHEN EVIDENCE WAS FOR MOST PART CIRCUMSTANTIAL. WHILE MANY OBSERVERS NOW LOOKING TOWARD LATE SPRING OR EARLY SUMMER VERDICT, KUENZEL'S MOVE MAY COMPLICATE AND EVEN DELAY MATTERS SINCE ENSSLIN COULD CLAIM SHE WAS IMPROPERLY/INADEQUATELY REPRESENTED. TACTIC OF "GOING PUBLIC" (I.E., FINAL PLEA BEFORE PRESS CONFERENCE RATHER LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 STUTTG 00651 180838Z

THAN IN COURT) BY CHOSEN DEFENSE LAWYERS MAY ALSO IMPEDE PROGRESS SOMEWHAT SINCE COURT MAY FEEL IT SHOULD GIVE THESE ATTORNEYS ADDITIONAL CHANCE TO MAKE FINAL COURT APPEARANCE.

KARLSRUHE MURDERS AND "FINAL" STAGES OF BAADER-MEINHOF TRIAL COMBINING TO GIVE IMPETUS TO POLITICAL DEBATE ON NEEDS OF RECHTSTAAT (CONSTITUTIONAL GOVERNMENT) VERSUS NEEDS OF INCREASED PROTECTION WHICH MAY HAVE BEGUN IN QUIET AND SUBDUE MANNER AT BUBACK FUNERAL (SEE REFTEL 626). ROLE OF US CONTINUES TO BE FACTOR AS EVIDENCED BY LETTERS TO NEW AGENCIES FROM THOSE CLAIMING RESPONSIBILITY SAYING THAT GERMAN GOVERNMENT A TOOL OF THE CIA AND OF AMERICAN IMPERIALISM. LATTER POINT UNDERSCORES CONTINUING NEED FOR US SECURITY MEASURES IN FRG SINCE US REMAINS A VISIBLE TERRORIST TARGET.
JENKINS

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REPORTS, TRIALS, TERRORISTS, COURT PROCEEDINGS
Control Number: n/a
Copy: SINGLE
Sent Date: 15-Apr-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STUTT00651
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Expiration:
Film Number: D770133-0877
Format: TEL
From: STUTTGART
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770451/aaaabsaf.tel
Line Count: 155
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 8ad398a4-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 STUTTGART 118, 77 STUTTGART 626
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 19-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2789312
Secure: OPEN
Status: <DBA CHANGED> mcm 20041005
Subject: PRESS CONFERENCES
TAGS: PINS, GE, BAADER-MEINHOF
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/8ad398a4-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009